

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Michelle Krankowski.

Plaintiff,

v.

Nationwide Credit, Inc.,

Defendant.

Case No. **1:05CV2601**
Judge **JUDGE ALDRICH**

MAG. JUDGE MCHARGH

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446, Defendant Nationwide Credit, Inc. ("NCI"), by and through the undersigned counsel, hereby files its Notice of Removal to this Court of an action pending against it in the Court of Common Pleas, Cuyahoga County, Ohio. Removal is based on the following grounds:

1. On or about September 29, 2005, Plaintiff Michelle Krankowski ("Plaintiff") commenced an action against NCI in the Court of Common Pleas, Cuyahoga County, Ohio. That action bears the same title as the above caption and is docketed in the Cuyahoga County Court of Common Pleas as Case No. CV05573676 (hereinafter, the "State Action").

TIMELY REMOVAL

2. On or about October 13, 2005, NCI was served with copies of the Summons and Complaint. A copy of the court docket reflecting service is attached as Exhibit A. A copy of the Complaint is attached hereto as Exhibit B.

3. This Notice of Removal is being filed within thirty (30) days of NCI's receipt of a copy of the Summons and Complaint, and is, therefore, timely filed under 28 U.S.C. § 1446(b).

JURISDICTION AND VENUE

4. This court has jurisdiction under 28 U.S.C. § 1331 because this matter arises under the Constitution, laws, or treaties of the United States. Plaintiff's Complaint alleges that NCI violated the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., and thus presents a federal question. See Exhibit B: Complaint ¶ 11.

5. This court also has jurisdiction under 28 U.S.C. § 1332(a)(1). Plaintiff is a citizen of the State of Ohio. See Exhibit B: Complaint ¶ 1. NCI is incorporated and maintains its principal place of business in the State of Georgia.

6. The amount in controversy more likely than not exceeds \$75,000.00, exclusive of interests and costs. See Gafford v. General Elec. Co., (997 F.2d 150, 157 (6th Cir. 1993). Plaintiff "prays for compensatory damages, including front pay, back pay, benefits or the value therefore, and general and compensatory damages and punitive damages ... in an amount greater than \$25,000.00...." See Exhibit B: Complaint at Conclusion. This combined with Plaintiff's assertion that she has suffered "pain, suffering, embarrassment [and] humiliation," supports the conclusion that it is more likely than not that the amount in controversy exceeds the jurisdictional requirement of \$75,000.00. See Exhibit B: Complaint ¶ 11.

VENUE

7. Venue is proper in this district and in this division pursuant to 28 U.S.C. § 1391 and Northern District of Ohio Local Rule 3.8.

8. The State Action is, therefore, a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1332, and is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

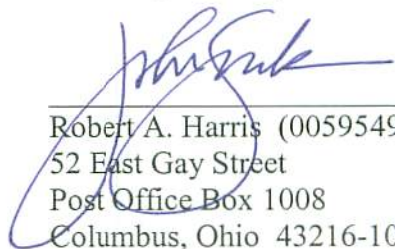
NOTICE

9. Promptly after the filing of this Notice, NCI will serve written notice of this removal on Plaintiff through her counsel and NCI will file a copy of this Notice of Removal with the Clerk of the Court of Common Pleas of Cuyahoga County, Ohio. A copy of the Notice of Filing Notice of Removal is attached hereto as Exhibit C.

WHEREFORE, Defendant removes this action from the Common Pleas Court of Cuyahoga County, Ohio to the United States District Court for the Northern District of Ohio, Eastern Division.

Respectfully submitted,

VORYS, SATER, SEYMOUR AND PEASE LLP



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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal has been served by U.S. Mail, postage prepaid, this 4th day of November 2005, upon the following counsel of record:

Jeffery P. Posner, Esq.
3393 Norwood Road
Shaker Heights, OH 44122-3461

Attorney for Plaintiff



One of the Attorneys for Defendant